

REMARKS

Claims 1, 3, 5-8, 11-17, 19, 23, 24, 31, 32, and 33 are pending and claims 23, 24 and 31 are withdrawn (new claim 33 being added by this amendment).

Applicants appreciate the courtesies extended by the Examiner in the telephone interview of July 19th, 2007 between the Examiner and Applicant's representative, Priscilla Morrison. Claim 1 and Johnson et al. (US 5,634,902) were discussed. The Examiner clarified that the lumen that contains element 42 within element 40 in Fig. 4 of Johnson et al. is taken as the equivalent of the first lumen of Applicant's claim 1. Applicant's noted that in Johnson et al. the member 40 is a guide catheter not secured to the catheter shaft 26, and proposed amending claim 1 to require that the inner and outer tubular members are secured together. The Examiner suggested amending the claims to further define the structural relationship of the lumens of the catheter of Applicant's claim 1.

In the aforesaid Office Action, the Examiner rejected claims 1, 8, 11, 12, 14-16, 19, and 32 under 35 USC 102(b) as anticipated by Johnson et al. (US 5,634,902), and claims 5 and 6 under 35 USC 103(a) as being unpatentable over Johnson et al. in view of Reifart et al. (US 2006/0129178), and claims 7, 13 and 17 under 35 USC 103(a) as being unpatentable over Johnson et al. as modified by Klein et al. (US 5,562,620), stating, in part, that Johnson et al. discloses a catheter shaft comprising an inner and outer tubular member defining a first and second (14) lumen; a side wall (26) extending longitudinally along an outer portion of the inner tubular member and defining a third lumen (23)

radially spaced from an inner surface of the tubular member; and a mandrel (28) in the third lumen.

However, in Johnson et al., the lumen within element 40 (having the guidewire 42 therein) that the Examiner takes as being Applicant's "first lumen" is outside of the catheter shaft 26, and therefore is not within an inner tubular member of the catheter shaft as required by Applicant's claim 1 (i.e., the inner tubular member is a member which has an outer diameter that is smaller than an outer diameter of the outer tubular member, and the inner tubular member is disposed within the outer tubular member such that a second ring-shaped lumen extends between an inner surface of the outer tubular member and an outer surface of the inner tubular member).

Additionally, the Examiner states that lumen 14 of Johnson et al. is Applicant's "second lumen". However, the lumen 14 clearly does not have an inner tubular member therein, and is not a ring-shaped lumen extending between the inner surface of the outer tubular member and the outer surface of the inner tubular member, and extending fully around an inner circumference of the outer tubular member, as required by the embodiment of Applicant's claim 1. Rather, lumen 14 is within the shaft 26.

Applicant's have added new claim 33 which requires that the side wall has an outer diameter measured through a center of the third lumen that is smaller than an outer diameter of the inner tubular member measured through a center of the first lumen.

Support for the amendments can be found at least in Fig. 7 and in the 1st and 6th paragraphs of the Detailed Description. Regarding amended claims 12, 14, and 16

directed to the intermediate section, support can be found in the 8th and the final paragraphs of the Detailed Description.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Please charge or credit Deposit Account No. 06-2425 for any additional fees in connection with this amendment.

Respectfully submitted,
FULWIDER PATTON LLP

By: /Gunther O. Hanke/
Gunther O. Hanke
Registration No. 32,989

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201